

**PATENT--FEE**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**TERMINAL DISCLAIMER TO OBVIAE A DOUBLE-PATENTING REJECTION OVER AN ISSUED PATENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

The undersigned, having power of attorney from the assignee, BASF Aktiengesellschaft, has executed this document on behalf of petitioner, BASF Aktiengesellschaft. Petitioner is a German corporation, 26056 Ludwigshafen, Germany, and is the owner of 100% interest in the instant application, as shown by the Assignment recorded December 3, 2001, at Reel 12332, Frame 338. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the

full statutory term defined in 35 U.S.C. §154 to §156 and §173, as presently shortened by any terminal disclaimer of prior Patent No. 6,072,101. Petitioner also is the owner of 100% interest in U.S. Patent No. 6,072,101 as shown by the assignment recorded on August 14, 2000 at Reel 11084, Frame 117. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and U.S. Patent No. 6,072,101 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §154 to §156 and §173 or prior Patent No. 6,072,101, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; further, these statements are made with the knowledge that willful false statements and the like so

made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereof.

The Commissioner is hereby authorized to credit any overpayment or charge any additional fees which may be required during the pendency of this application under 37 C.F.R. §1.16 or 37 C.F.R. §1.17 or under applicable rules (except payment of issues fees), to Deposit Account No. 13-2855. A copy of this transmittal is enclosed.



\_\_\_\_\_  
James J. Napoli  
Registration No. 32,361

Dated: January 29, 2004.

Our firm check in the amount of \$110.00 is enclosed in payment of the requisite Terminal Disclaimer fee under 37 C.F.R. §1.20(d).